

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 11,795

IN THE MATTER OF:

Served January 13, 2009

E.B. LIMOUSINE AND TRANSPORTATION	)	Case No. MP-2008-201
SERVICES LLC, Suspension and	)	
Investigation of Revocation of	)	
Certificate No. 1079	)	

This matter is before the Commission on respondent's response to Order No. 11,708, served December 1, 2008, revoking Certificate No. 1079 pursuant to Article XI, Section 10(c), of the Compact.

Under the Compact, a certificate of authority is not valid unless the holder is in compliance with the Commission's insurance requirements.<sup>1</sup> Commission Regulation No. 58 required respondent to insure the revenue vehicles operated under Certificate No. 1079 for a minimum of \$1.5 million in combined-single-limit liability coverage and maintain on file with the Commission at all times proof of coverage in the form of a WMATC Certificate of Insurance and Policy Endorsement (WMATC Insurance Endorsement) for each policy comprising the minimum.

Certificate No. 1079 was rendered invalid on September 9, 2008, when the \$1.5 million primary WMATC Insurance Endorsement on file for respondent terminated without replacement. Order No. 11,565, served September 9, 2008, gave respondent thirty days to replace the expired endorsement and pay the \$50 late fee imposed by Regulation No. 67-03(c) or face revocation of Certificate No. 1079.

Approximately three months later, having received neither the late fee nor the necessary endorsement(s), the Commission revoked Certificate No. 1079 in Order No. 11,708 for respondent's willful failure to comply with Regulation No. 58. Respondent subsequently paid the late fee and filed the necessary insurance endorsement(s) and a request for reinstatement of Certificate No. 1079.

Title II of the Compact, Article XIII, Section 4(a), provides that: "A party to a proceeding affected by a final order or decision of the Commission may file within 30 days of its publication a written application requesting Commission reconsideration of the matter involved, and stating specifically the errors claimed as grounds for the reconsideration."

When seeking reconsideration of a revocation for failure to comply with Regulation No. 58, a carrier must file both the

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<sup>1</sup> Compact, tit. II, art. XIII, § 7(g).

application and the necessary endorsement(s) within the 30-day statutory filing period.<sup>2</sup> Respondent, therefore, had until December 31 to file an application and the necessary endorsement(s). Respondent timely filed a \$1.5 million primary endorsement on December 23 but did not file the request to reinstate Certificate No. 1079 until January 6. Consequently, respondent's request is untimely.<sup>3</sup>

THEREFORE, IT IS ORDERED: That the application for reconsideration is denied without prejudice to respondent's right to reapply for operating authority at a later date.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS CHRISTIE AND BRENNER:

A handwritten signature in black ink, appearing to read 'W. S. Morrow, Jr.', is positioned above the printed name and title.

William S. Morrow, Jr.  
Executive Director

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<sup>2</sup> *In re Lee Coaches, Inc.*, No. MP-07-224, Order No. 11,170 (Feb. 26, 2008).

<sup>3</sup> See Order No. 11,170 (same).